REMARKS/ARGUMENTS

I. Status of Claims

Claims 1-28 are pending with claims 1, 10, 15 and 20 being independent.

II. Rejections under 35 U.S.C. §103 (a)

Claims 1, 2, 3, 4, 6, 7, 8, 15, 16 and 17

Claims 1, 2, 3, 4, 6, 7, 8, 15, 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davies et al. (U.S. Pub. No. 2003/0185249 – hereinafter Davies), in view of Williams et al. (U.S. Pub. No. 2002/0087723 – hereinafter Williams). Applicants respectfully traverse this rejection.

As noted in the application, in the context of classifying Ethernet frames for switching control, a priority class and a CoS (class of service) are two different things. More specifically, a priority class merely denotes one of the eight priority levels of an Ethernet frame, defined in IEEE 802.1Q, whereas a CoS differentiates an Ethernet frame by the type of *service* that the Ethernet frame provides. Hence, a priority class, which merely is a value between zero and seven, does not concern the type of *service* (such as "voice service" or "data service) that an Ethernet frame provides.

Claim 1 recites a switching control method comprising, inter alia, buffering the received Ethernet frame in a data buffer classified by the CoS, and generating a PAUSE frame containing a value of the CoS.

By contrast, neither Davis nor Williams is relevant to a class of service (CoS), much less teaches or suggests buffering the received Ethernet frame in a data buffer classified by the CoS, and generating a PAUSE frame containing a value of the CoS, as recited in claim 1. The Examiner cites Figs. 1-4 of Davies as teaching or suggesting buffering the received Ethernet frame in a data buffer classified by the CoS, and cites Figs. 4 and 5 of Williams as generating a PAUSE frame containing a value of the CoS. However, Figs. 1-4 of Davies, at best, teaches buffering the received Ethernet

frame in a data buffer classified by *the priority class*, rather than by a CoS. Figs. 4 and 5 of Williams, at best, generating a PAUSE frame containing *a priority indicator*, rather than a value of CoS.

Hence, it appears that the Examiner errs in assuming that a priority class can be construed as a CoS in the context of classifying Ethernet frames for switching control.

Given that *a priority class* is categorically different from *a CoS*, Davies' teaching cannot be construed as buffering the received Ethernet frame in a data buffer classified by the CoS, as recited in claim 1. Nor may Williams' teaching be construed as generating a PAUSE frame containing a value of the *CoS*, as recited in claim 1. Accordingly, claim 1 should be allowable over Davies and Williams. The rejection of claim 1 should therefore be withdrawn.

Claim 15 contains similar recitation to claim 1 with respect to generating a PAUSE frame containing a value of the *CoS*. Accordingly, for at least the same reasons stated above in connection with claim 1, claim 15 should also be allowable over Davies and Williams. The rejection of claim 15 should therefore be withdrawn.

The rejection of claims 2, 3, 4, 6, 7, 8, 16 and 17 should be withdrawn at least by virtue of their dependency from allowable claims 1 and 15, respectively.

Claims 5, 9-14 and 18-28

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Davies, in view of Williams, as applied to claim 1 above, and further in view of Chen et al. (U.S. Pub. No. 2003/0147347 – hereinafter Chen). Further, claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Davies, in view of Williams. Still further, claims 10, 11, 12 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davies, in view of Williams, and in view of Lin (U.S. Patent No.

-10-

6,754,179 – hereinafter Lin) and further in view of Pope et al. (GB Patent Application No. 2,372,679 – hereinafter Pope). Still further, claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Davies, Williams, Lin, and Pope, as applied to claim 10 above, and further in view of Chen. Still further, claims 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davies and Williams, as applied to claim 15 above, and further in view of Lin. Still further, claims 20, 21, 22, 25, 26, 27 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davies, in view of Williams and Chen. Still further, claims 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davies, in view of Williams and Chen, as applied to claim 20 above, and further in view of Lin.

Claims 10 and 20 recite subject matter related to buffering the received Ethernet frame in a data buffer classified by the CoS, and generating a PAUSE frame containing a value of the CoS, as recited in claim 1. Accordingly, for at least the same reasons stated above in connection with claim 1, claims 10 and 20 should also be allowable over Davies and Williams. Further, the cited secondary references Pope, Lin and Chen do not cure the above-noted deficiencies of Davies and Williams. Accordingly, claims 10 and 20 should able allowable over Davies, Williams, Pope, Lin and Chen. The rejections of claims 10 and 20 should therefore withdrawn.

The rejections of claims 5, 9, 11-14, 18, 19 and 21-28 should be withdrawn at least by virtue of their dependency from allowable claims 10 and 20 respectively.

III. <u>Conclusion</u>

In view of the above, it is believed that this application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Should **any/additional** fees be required, the Director is hereby authorized to charge the fees to Deposit Account No. 18-2220.

Respectfully submitted,

Jundong Ma
Attorney for Applicant
Reg. No. 61,789

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036
(202) 659-9076

Dated: _____ February 26, 2009 _____

-12-